

**Department of Community Planning and Economic Development**

Rezoning and Variance

BZZ-5891

**Date:** January 22, 2013

**Applicant:** Has Property Holdings, LLC, c/o Steven Fiterman, 7575 Golden Valley Road #300, Golden Valley, MN 55427, (763)231-2326

**Address of Property:** 3448 Hennepin Avenue South

**Project Name:** 3448 Hennepin Avenue South

**Contact Person and Phone:** Kaas Wilson Architects, Attn: James Schloemer, 2104 4<sup>th</sup> Avenue South, Minneapolis, MN 55404, (612)879-6000

**Planning Staff and Phone:** Becca Farrar, Senior City Planner, (612)673-3594

**Date Application Deemed Complete:** December 10, 2012

**End of 60-Day Decision Period:** February 8, 2013

**End of 120-Day Decision Period:** On January 4, 2013, Staff sent a letter to the applicant extending the decision period to no later than April 9, 2013.

**Ward:** 10      **Neighborhood Organization:** East Calhoun Community Organization (ECCO) and Calhoun Area Residents Action Group (CARAG)

**Existing Zoning:** R2B (Two-family) District

**Proposed Zoning:** R3 (Multiple-family) District

**Zoning Plate Number:** 24

**Lot area:** 5,943 square feet or approximately .14 acres

**Legal Description:** Lot 14 and the South 7 feet of Lot 13, Lots 13 and 14, AUDITOR'S SUBD. NO. 116, Hennepin County, Minnesota.

**Proposed Use:** Convert an existing duplex into a triplex.

**Concurrent Review:**

- A petition to rezone the property from the R2B (Two-family) District to the R3 (Multiple-family) District in order to allow for the conversion of an existing duplex into a triplex.
- Variance of the off-street parking requirement from three spaces to two spaces as a result of the addition of a third dwelling unit on the property.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, and Chapter 525, Article IX Variances.

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**Background:** The applicant proposes to rezone the property located at 3448 Hennepin Avenue South from the R2B (Two-family) District to the R3 (Multiple-family) District. The subject property is approximately 5,943 square feet in size and the existing two-story building located on the property was originally constructed as a top-down duplex in 1927. The applicant has remodeled the lower level of the structure into a one-bedroom unit and now proposes to rezone the property in order to convert the existing duplex into a legal triplex. With the proposed conversion of the building to a triplex, one additional parking space would need to be accommodated on the property. Currently, there is a detached two-stall garage located at the rear of the site that is accessed off of the public alley. The garage is side-loaded and there is already a relatively large paved driveway leading to the garage; however, this area is not considered a legal parking space as it would conflict with the on-site maneuvering area for the existing parking provided on site.

The subject property was evaluated as part of the Midtown Greenway Rezoning Study in 2010. This study analyzed the existing zoning in the area surrounding the Midtown Greenway which resulted in a recommendation to change the zoning of select parcels that made the zoning match the City's adopted future land use plans. This was necessary as it is the City's overall goal to encourage the type of development envisioned in the adopted plans and prevent development that is inconsistent with the plans. In addition, the City had a legal obligation to ensure that zoning reflected adopted land use goals. The Midtown Greenway Rezoning Study addressed the future land use recommendations from several adopted plans including: The Lyn-Lake Small Area Plan (adopted in June of 2009); The Uptown Small Area Plan (adopted in February of 2008); The Midtown Greenway Land Use and Development Plan (adopted in February of 2007); The Seward Longfellow Area Land Use and Predevelopment Study (adopted in February of 2007); The Industrial Land Use and Employment Policy Plan (adopted in June of 2006); and the Midtown Minneapolis Land Use and Development Plan (adopted in December of 2005). There were 3,210 parcels within the study area. On 1,766 of these parcels, the policy guidance in the adopted small area plans differed enough from the regulations of the current zoning district to necessitate a zoning change; however, the initiation of rezonings in the study area were not meant to be exhaustive or mean that as redevelopment is proposed that rezonings should not be supported. Staff did recommend as part of this rezoning study that the subject property be rezoned from the R2B District to the R3 District; however, the City Council did not adopt this zoning change; thus, the R2B District was maintained on the property.

Staff has received official correspondence from ECCO which offered no objection to the request, but no additional neighborhood letters or emails were received. That correspondence has been attached for reference. Any additional correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

**REZONING** – to the R3 District

**Findings as Required by the Minneapolis Zoning Code:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located along Hennepin Avenue South which is a designated Community Corridor from 31st Street West to 36<sup>th</sup> Street West and the property is further designated as urban neighborhood. Community Corridors support new residential development from low- to high-density in specified areas, as well as increased housing diversity in neighborhoods. Design and development along Community Corridors is oriented towards the pedestrian

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experience and residential quality of life. Urban neighborhoods are a “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.8 states: “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access. This policy includes the following applicable implementation step (1.9.5) “Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.”

It is Staff’s position that the proposal to rezone the subject property from the R2B District to the R3 District is supported by the above listed policies and implementation steps.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

A rezoning to the R3 District would be considered primarily in the interest of the property owner as it would allow the existing building on the site to be converted from an existing duplex into a triplex. The amendment could also be considered in the public interest insofar as it would allow the structure to accommodate an additional dwelling unit which is consistent with adopted policies along Community Corridors.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

Given the surrounding zoning classification, the context and uses in the area, as well as adopted policy, Staff believes that the R3 zoning district would be appropriate and compatible in this location. The majority of the properties that surround the subject site are zoned R2B; however, there are varying zoning

classifications along Hennepin Avenue that include R3 and R5 to the north as well as C1, R4 and R5 to the south.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses allowed under the existing R2B zoning classification, including the existing use of the structure; however, allowing an additional dwelling unit in the lower level of the structure would support adopted city policies that encourage increased density along Community Corridors. Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classifications for the property.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the subject property was zoned R2A (Single-and Two-Family) District. The properties surrounding the site were zoned somewhat differently as the majority of the properties to the north and west were also zoned R2A and the properties to the south and east were zoned R4, R5 and BSC-2 (Community Commercial) District. There haven't been significant changes relative to the character and trend of the development in this specific region along Hennepin Avenue. The amendment to alter the existing zoning classification is however, consistent with a prior Staff recommendation in 2010 to rezone the property to R3 as part of the Midtown Greenway Rezoning Study. As previously noted, this rezoning study was initiated to alter the zoning of select parcels within the study area in order to have the zoning match the City's adopted future land use plans.

**VARIANCE** – of the off-street parking requirement from three spaces to two spaces as a result of the addition of a third dwelling unit on the property.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

There are practical difficulties that exist in complying with the ordinance due to circumstances that are unique to the property as the inclusion of an additional space on the site that accommodates a compliant maneuvering area would be difficult due to the fact that the site has grade changes from east to west and frontage on two public streets. Further, the inclusion of an additional off-street parking space would further decrease the permeable landscaped area on site as well as the backyard outdoor space for tenants. Given these factors, it is reasonable to allow a one space reduction in this specific circumstance as the proposal accommodates desired density consistent with adopted city policies.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

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The proposal to reduce the off-street parking requirement from three spaces to two spaces in order to allow for the conversion of the existing duplex into a triplex would be reasonable and would be in keeping with the spirit and intent of the ordinance and comprehensive plan. Requiring the site to accommodate a single surface parking stall and the required maneuvering area would significantly reduce the permeable landscaped area on site. Further, alternative transportation options and on-street parking are available within the neighborhood.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The proposal to reduce the required off-street parking requirement from three spaces to two spaces would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. There is ample on-street parking available in the area as are several alternative transportation options including four Metro Transit bus lines and shared vehicles such as HOURCAR.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development for the rezoning:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 3448 Hennepin Avenue South from the R2B (Two-family) District to the R3 (Multiple-family) District in order to allow for the conversion of an existing duplex into a triplex.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the off-street parking requirement from three spaces to two spaces as a result of the addition of a third dwelling unit on the property.

**Attachments:**

1. Rezoning Matrix – R2B vs. R3
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan and floor plans
6. Photos